

REMARKS

As a preliminary matter, Applicant notes that the Office Actions are still being sent to an incorrect address. Applicant filed a Revocation and Power Of Attorney and Change of Correspondence Address on December 11, 2003. The Revocation was faxed to the Patent Office, and appears to have been successfully received on December 11, 2003. For the Examiner's convenience, Applicant includes a copy of Revocation and Power Of Attorney and Change of Correspondence Address, as well as the fax cover sheet and automated reply from the Patent Office. In light of these documents, Applicant respectfully requests all future correspondence to be directed to David Bennett of the law firm of Coats and Bennett at the address detailed therein. If there is any problem with the Revocation, or the Office is unable to comply with this request, the Examiner is invited to contact the undersigned to resolve the issue.

The Examiner rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by the patent to Bruckert. Applicant respectfully traverses the rejection.

Claim 1 recites, "estimating a quality of signals . . . during a first power control group period (T_1) . . . determining at least one power control bit . . . [and] . . . transmitting the at least one power control bit . . . during the first power control group period (T_1).". Thus, claim 1 requires all three steps to be accomplished over the duration of a single power control group period. The Examiner cites Figure 6 and column 6, line 62 - column 7, line 35 of Bruckert to support the rejection. However, it appears as if the Examiner misconstrues this passage.

Bruckert discloses a method of reverse link power control that reduces the time required for a base station to adjust the power level of the mobile terminal over the forward link. However, the passage relied upon by the Examiner to support the rejection does not teach that estimating the quality of signals, determining at least one power control bit, and transmitting the power control bit is accomplished during a single power control group period.

FIG. 6 is a flow chart of a method of controlling reverse channel power in a CDMA system in accordance with an alternate embodiment of the present invention. Rather than cut into the power-control group measurement interval,

this embodiment employs an algorithm to estimate the value of the power-control bit whenever the power-control bit slot appears too soon for the 1.25 ms energy measurement to be made with the power-control bit being transmitted in the next timeslot ...The logic flow begins at step 601 where a time needed to measure the power-control group and still be able to transmit the power-control bit in the next timeslot is measured.

Bruckert, col. 6, ln. 62 – col. 7, ln. 8 (emphasis added). This passage evidences the fact that Bruckert discloses that the measurement, determining, and transmitting steps occur in two consecutive power control group periods. The algorithm of Bruckert determines whether there is enough time to measure the power control group, and still be able to transmit the power control bit *in the next time slot*. If there is sufficient time, Bruckert makes the measurement, and determines the power control bit, but transmits the power control bit over the reverse link *in the next time slot*. If there is not enough time, the algorithm of Bruckert may utilize a previous measurement, or a previously determined power control bit. However, the power control bit is still transmitted over the reverse link *in the next time slot*.

The timing diagram in Figure 5 of Bruckert discloses the power control groups in which the steps of the above-referenced algorithm occur. Specifically, the measurement and calculation steps occur over power control groups K and K+1. The transmitting step (i.e., the disclosed *next time slot*) also occurs within power control group K+1. Thus, this figure explicitly teaches that that the disclosed algorithm performs steps over two consecutive power control group periods. Further, because the measurement and calculation steps occur over two consecutive power control group periods, transmission cannot occur until the next power control group period.

The Examiner states in the Office Action that the language of the cited passage “*seems to match* the language of claim 1 ... [and thus,] ... feels that Bruckert ... withstands the applicant's objections.” *Office Action*, pg. 3, ll. 1-9 (emphasis added). Applicant respectfully reminds the Examiner that “seems to match” is not the legally recognized test for anticipation under § 102. Rather, the language of the cited reference **must** disclose each and every

element of the claim. For the reasons stated above, Bruckert fails to meet this standard, and thus, cannot anticipate claim 1 under § 102. Accordingly, Applicant respectfully requests the allowance of claim 1, as well as its dependent claims 2-5.

The Examiner also rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable Chheda in view of Kansakoki. In response, Applicant has amended claim 6 to include the subject matter of dependent claims 7 and 8, which are now cancelled.

Claim 8 recites that the time for estimating the signal quality of the forward link is not greater than the first power control group period minus the time for a reverse link propagation delay. The Examiner takes Official Notice that to include a reverse link propagation delay is well known, and thus, one skilled in the art would have readily modified Chheda to use such a calculation. Applicant disagrees. First, Applicant notes that the Examiner's Official Notice is not supported with any concrete evidence. As such, Applicant requests that the Examiner provide proof of the assertion, or withdraw the rejection.

Second, even assuming *arguendo* that the Examiner's assertion is correct, Chheda gives no indication that the time used for estimating the signal quality is anything other than what is already known in the art. In fact, it does not appear that the patent to Chheda provides *any* indication of how long it takes to estimate the signal quality on the forward link. This is because the patent to Chheda is not concerned with reducing the time it takes for a mobile terminal to realize the effect of a power control adjustment, but rather, is concerned with which power control process to use in the adjustments – a forward power control process, or a fast power control process. According to Chheda, the decision on which process to use is based on the velocity of the vehicle. *Chheda*, col. 2, ll. 55-65. For at least these reasons, Chheda fails to teach or suggest amended claim 6.

Likewise, the patent to Kansakoki also fails to teach or suggest this aspect, and the Examiner never asserts that it does. Therefore, neither Chheda nor Kansakoki teach or

suggest, alone or in combination, amended claim 6. Accordingly, Applicant respectfully requests the allowance of amended claim 6, and its dependent claim 9.

The Examiner also maintained the rejection of claim 10 under 35 U.S.C. § 103(a) as being unpatentable over the publication to Sorokine in view of the patent to Tiedemann. Claim 10, like claim 1, requires a mobile terminal to estimate the signal quality, determine the power control bit, and transmit the power control bit within a single (i.e., first) power control group period. The Examiner cites paragraphs 65-67 of Sorokine to support the assertion that Sorokine teaches estimating the signal quality, determines the power control bit, and transmits the power control bit in a single power control group. However, the paragraphs relied on for the rejection detail nothing more than the fact that CDMA systems use power control. *Sorokine*, ¶¶0064. It discloses nothing other than the broad concept of power control, and certainly does not teach or suggest estimating signal quality, determining a power control bit, and transmitting the power control bit within the same power control bit period.

The patent to Tiedeman does nothing to remedy this deficiency of Sorokine. In fact, the Examiner merely uses Tiedeman to show that power control group periods and power control bits are known. With all due respect, this means nothing. Tiedeman fails to teach or suggest, estimating signal quality, determining a power control bit, and transmitting the power control bit within the same power control bit period, and the Examiner never asserts that it does. Thus, for at least these reasons, both Sorokine and Tiedeman fail to teach or suggest, alone or in combination, claim 10. As such, the § 103 rejection necessarily fails as a matter of law.

Additionally, the § 103 rejection of claim 10 also fails because the Examiner has failed to put forth a *legally sufficient* motivation to combine. The Examiner asserts that it would have been obvious to combine the references “to be more in line with conventional definitions and terminology.” *Office Action*, ¶ 3. This proffered motivation fails scrutiny. “Conventional definitions and terminology” are already provided for by standards. There is no reason for one skilled in the art to combine patents or publications in order “to be more in line with conventional

definitions and terminology." Moreover, even if one skilled in the art were to combine references, the result would be something that neither teaches or suggests anything more than the fact that power control is used in CDMA systems. Simply put, neither Sorokine nor Tiedemann teach or suggest, alone or in combination, claim 10. As such, the § 103 rejection must fail. Accordingly, Applicant respectfully requests the allowance of claim 10, and its dependent claims 11-14.

Finally, the Examiner also rejected claims 15, 20, 21, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Sorokine in view Tiedemann, and cited substantially the same reasons as those cited against claim 10. However, each of claims 15, 20, 21, and 26 contain language similar to that of claim 10. For the reasons stated above, Sorokine and Tiedemann fail to teach or suggest, alone or in combination, any of claims 15, 20, 21, and 26. As such, Applicant respectfully requests the allowance of claims 15, 20, 21, and 26, and each of their respective dependent claims.

Respectfully submitted,

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Dated: October 1, 2004

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